

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

FLETCHER-HARLEE CORP.,

Plaintiff,

v.

POTE CONCRETE
CONTRACTORS, INC.

Defendant.

HONORABLE JEROME B. SIMANDLE

CIVIL NO. 05-2589 (JBS)

O R D E R

This matter having come before the Court upon the motion of Defendant Pote Concrete Contractors, Inc. to dismiss for failure to state a claim; and the Court having considered the parties' submissions; and for the reasons stated in the Opinion of today's date; and for good cause shown;

IT IS this 27th day of **March, 2006** hereby

ORDERED that Defendant's Fed. R. Civ. P 12(b)(6) motion for failure to state a claim be, and hereby is, **GRANTED**.

s/ Jerome B. Simandle

JEROME B. SIMANDLE
United States District Judge